19 2.

Department of Revenue

OFFICE Boundaries

STATION Capecoast

No. 4983

4983

Dated 3 Oct 21

To whom sent	Date Given for copying Copied Examined Signed Given for despatch Despatched Indexed To be destroyed on
Pages in the file	

(SUBJECT.)

Inquest on Death
(South Kwahu)
Submitting report &c — Forfeiture of Office —
S. 200. 12/2

Not to be filled in the case of permanent records.

Subject. Transfer of registry
S. Kanara Uppinangady
Taluk - Vodilnal village -
Sno 127/2

Encl 2 (with a book)

Sefy

B 25.22/21.

To Secretary

The only point
to be noticed appears to be
the objection petition put in
by the widow of the executor
of the will - objecting to the
transfer of the plot in question
Sno 127/2 - to the name of the
family deity of her husband
Her main plea appears to be
that the petition of her husband
dated 25th Sepr 1900 his
Statement attested by two
witnesses taken by Shanbhogue
in the course of an enquiry
is not genuine -
Office has carried
above objection

The Collector in his order on appeal does not allude to the existence of the pekkin objected to. Perhaps the objection of the widow were admitted, & be valid by the Collector.

Anyhow Kumaki rights being attached to land rather than to persons, it follows that the ownership of the waste lands having passed to the paramy deity by the will referred to, the Kumaki lands ~~also~~ also naturally go to the enjoyment of the deity. Even in the absence of the assignment of the Kumaki lands, its enjoyment would have been, ~~has~~ therefore, transferred to the paramy deity. Hence the widows objection to the transfer of Sno 127/2 only need not be taken into account.

2. In the circumstances stated by the Collector, the transfer of ~~registry~~ may be ordered as advised by ~~the Collector~~ him.

Submitted below.

Hee
28-9-21

Payment is to be made.

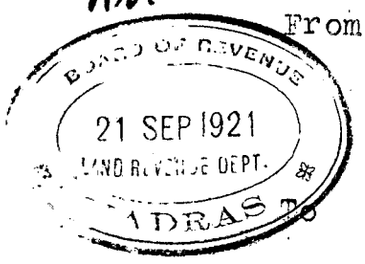
There is no ground for thinking so. The petitioner Nov. 19 was in accordance with the previous practice. Hee 27.9.21

For Kumaki read and privileges please see pages 129 & 130 and 196 of the Manual of South Kanara Obtained from Sep. Co dep't and put up.

Ref. No.3969--21--V--3.

Sett
B 3841
Not Sett

South Kanara Collector's Office,
Camp Puttur dated 15th Septr.21.

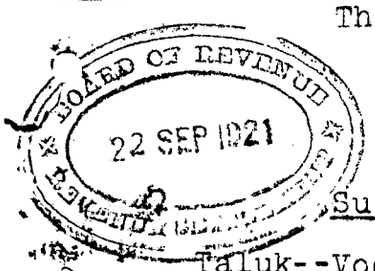


From

R. H. Ellis, Esq., I.C.S.,
Collector of South Kanara.

Mr. R. Rao
B&N
22.9.21.

The Secretary to the Board,
Land Revenue, M a d r a s.



18
26.9.21

Suit Notice --- Patta transfer---Uppinangady Taluk--Vodilnal village--S. No. 127/2.

The plot in question was a Government waste --- land within the kumaki limits of kadim warg lands S. Nos. 33/1,2,9, 13 and 14 belonging to one Anantha Kermunnaya. As it contained some old improvements made by the ---- kumakidar, Anantha Kermunnaya before Settlement, the -- Village Officers instituted darkhast proceedings in res pect of it in April 1919. During the enquiry Anantha Kermunnaya in his statement made before the Shanbhogue --- on 15th April 1919, requested that the plot being his kumaki might be granted to him on darkhast.

2. Subsequently on 29th June 1919, he submitted a petition to the Dy. Tahsildar, Beltangady, stating --- that he had already given his lands S. Nos. 33/1,2,9,13 &14 and some others together with their kumaki as a --- gift to his family deity, Sri Mahaganapathi Dev. by a --- deed dated 22nd February 1915 and that according to the will executed by him Ishwara Kermunnaya, a member of his family was to perform at the religious ceremonies con- nected with the Dev. and to manage and enjoy these pro- perties after his death. He accordingly prayed that -- the patta of these properties as well as that of the --- darkhast plot which is the kumaki of the patta land ----- gifted and in respect of which the Village officers had

made their recommendations, in his favour may be transferred to the name of the deity and the assessment collected from -- him till his death and from Anantha Kermunnaya after that --- event. This petition was entered in the Kudtala register --- and sent to the Shanbhogue for enquiry. During the enquiry the Shanbhogue examined the petitioner on 19th September 1919 and reiterated the requests made in the petition. The Shan- bhogue submitted the records of enquiry on 23rd September 1919 and they were received by the Dy. Tahsildar on 26th September 1919. Before the receipt of these records the Dy.-- Tahsildar passed orders on 24th September 1919, assigning -- 127/2 to Anantha Kermunnaya in accordance with his statement dated 15th April 1919 filed in the darkhast records.

3. After this, the kudtala case referred to above came up for disposal before the Dy. Tahsildar and on 7th October 1919 he ordered the transfer of the patta of the warg lands and in respect of 127/2 directed that the petitioner should re- -new his application after the plot was included in his patta at the jamabandy.

4. Accordingly on 25th November 1919, Anantha Kermunaya made another petition to the Dy. Tahsildar stating that 127/2 which was kumaki to 33/1,2,13 & 14 should have been given to the deity according to the gift deed and that its assignment in his name was therefore, not proper. He prayed that its patta might also be transferred to the name of the deity. The --- petition was in usual course sent to the Shanbhogue for enquiry The Shanbhogue reported that before the receipt of this order -- Anantha Kermunaya had died. The Dy. Tahsildar then rejected -- this petition and asked for a powthi report.

5. On receipt of the powthi report the Dy. Tahsildar ---- ordered that 127/2 should be separately registered in the --- name of the deity in accordance with the deceased pattadar's wishes.

6. Against this order Kaveramma the widow of Anantha ----- Kermunnaya appealed to the Divisional Officer calling in ---- question the genuineness of the petition made by her husband -- shortly before his death. The Divisional Officer rejected ---

the petition on the ground that there was nothing ---- to show that the petition for the patta transfer or -- his statement before the Shanbhogue which was attested by 2 witnesses.was not genuine.

7. The widow put in a revision petition denying the genuineness of the petition and the statement ---- relied on by the Divisional Officer and my predecessor passed the following order on 3rd November 1920 "I do not think that the Dy. Tahsildar's order trans- "fering registry of S. No. 127/2 in the name of the -- " deity 'in accordance with the deceased pattadar's " wishes' is correct. These wishes are contained in "a petition dated 26th June 1919 when the deceased -- " was not the registered nolder of the plot at all -- " and the Dy. Tahsildar rightly refused then to act " on that petition and directed him to put in a --- " separate application after the plot was assigned --- "and registry was made in his name. No such applica "tion was made the pattadar having died. The pro- "cedure to be followed, therefore, should have been --- "that prescribed in B. S. O. No. 31 rule 6 (1) as if "an application were made by the legatee under the --- "will. The Dy. Tahsildar's order is set aside. He "will proceed to dispose of the matter in the pres- "cribed manner."

In making this order Mr. Rama Rao seems to --- have overlooked the subsequent petition of 25th November 1919 presented after the land had been formally assigned to him although not actually brought to the accounts in his name. The entry in the accounts --- seems to be immaterial. The essential matter is the order of assignment duly passed.

8, The Dy. Tahsildar then passed orders accordingly on 6th June 1921 transferring the patta of the plot in dispute to the name of the widow.

9. Ishwara Kermunnaya the trustee of the deity

has now sent me a suit notice threatening Government with a suit, if the plot is not re-transferred to him.

10. In the first place the assignment of the plot - in the name of Anantha Kermunnaya is liable to be cancelled, as it was clearly due to a mistake of fact. ----- If the petition dated 29th June 1919 of Anantha Kermunnay and his statement dated 19th September 1919 mentioned --- above had been before the Dy. Tahsildar at the time the - assignment order was passed, he would have, as a matter course assigned the land in the name of the deity. But does not seem necessary to cancel the assignment order. I think it is sufficient, if the kudtala order passed by Dy. Tahsildar on 6th June 1921 agreeably to my predecesso order is cancelled. The kudtala case started by the pet tion ~~dated~~ of 25th November 1919 should not have been droppe on petitioner's death, but should have been disposed of in the usual course and this petition coupled with his previous statements and petitions should have been held a sufficie authorization for ordering the transfer of the patta of t plot in the name of the deity. If I cancel the Dy. Tahsildar's order, I will be reviewing my predecessor's orde I request, therefore, that the Board may be pleased to cancel the Dy. Tahsildar's patta transfer order dated 6th June 1921 complained against and direct the transfer of t plot in the name of the deity.

Subject: Transfer of registry

Petition (South Kanara)

Uppinangady Taluk - Kodiba

village S.no 127/2.

Read B no 2522/21 ——

Resn (mes) 1983-D 3.10.21

In the circum-

stances reported by the

Collector the Board is pleased

to cancel the order of the

Deputy Tahsildar of Beltanga

dated 6th June 1921 transferring

S. 27/2 to the name of

Kaveramma, the widow of the

late Anantha Kermunnaya and

to direct the registry of the

same plot in the name

of Sri Mahaganapathi Dev,

the family deity of Anantha

Kermunnaya.

KLC

7.8.9.21